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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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PENSIONSVERSICHERUNGSANSTALT

Plaintiff,
-against-

MEMORANDUM AND ORDER
Case No. CV-07-5300 (FB) (RLM)

THE ESTATE OF ROSE EISINGER, SONJA
ROSENBAUM, individually and as distributee
of the Estate of Alphons Rosenbaum, GLADYS
ROBINSON, and PHILLIP L. GREENBLATT

Defendants.
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Appearances

For the Plaintiff:

STEPHEN MICHAEL HARNICK, ESQ.
Harnik & Finkelstein
405 Lexington Avenue, 42nd Floor
New York, NY 10174

For the Defendant Sonja Rosenbaum:

LEWIS R. SILVERMAN, ESQ.
Rutherford & Christie, LLP
369 Lexington Avenue, 8th Floor
New York, NY 10017-5947

For the Defendant Gladys Robinson:

LUCIA TULLY CHAPMAN, ESQ.
Law Office of Henry Putzel, III
565 Fifth Avenue, 9th Floor
New York, NY 10017

For the Defendant Phillip L. Greenblatt:

THOMAS JOSEPH MORTATI, ESQ.
Burke, Scolamiero, Mortati & Hurd, LLP
9 Washington Square, Suite 201
P.O. Box 15085
Albany, NY 11212-5085

BLOCK, Senior District Judge:

On September 18, 2009, the Court held oral argument on plaintiff
Pensionsversicherungsanstalt's objections to Magistrate Judge Mann's Memorandum and

Order (the "M&O") dated March 11, 2009, as amended on May 12, 2009.

For the reasons stated at oral argument, the Court declines to modify or set aside the magistrate judge's decision to quash in part plaintiff's third-party subpoena of Israel Discount Bank of New York; the M&O was neither clearly erroneous nor contrary to law. In light of this ruling, Plaintiff agreed on the record to withdraw without prejudice all claims against defendant Gladys Robinson.

Plaintiff is granted 45 days to obtain copies of the fraudulently endorsed checks from Bank Austria. At the close of this period, the plaintiff shall notify the Court if it has obtained the documents; if the Court receives no notification that the documents have been received, all claims against defendant Sonja Rosenbaum will be dismissed with prejudice. Rosenbaum and defendant Greenblatt agreed that they shall not initiate motions for summary judgment, if necessary, until the 45-day period expires; if so, the parties shall abide by the Court's rules and procedures.

SO ORDERED.


s/FB


FREDERIC BLCK
Senior United States District Judge

Brooklyn, New York
September 18, 2009